

PERMITTING THE EXCHANGE OF LAND BELONGING TO
THE DISTRICT OF COLUMBIA FOR LAND BELONGING
TO THE ABUTTING PROPERTY OWNER OR OWNERS

MARCH 7 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. HUNT, from the Committee on the District of Columbia,
submitted the following

REPORT

[To accompany S. 673]

The Committee on the District of Columbia, to whom was referred the bill (S. 673) to permit the exchange of land belonging to the District of Columbia for land belonging to the abutting property owner or owners, and for other purposes, having considered the same report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this bill is to permit the District of Columbia to exchange land belonging to it for land abutting District-owned land where, in the judgment of the Commissioners, such exchange would be to the best interest of the District. Where the parcels of land to be exchanged are of unequal value, provision is made for the Commissioners to pay or to receive payment for the difference in value so as to make the exchange fair to both parties.

The letter of January 18, 1951, from the Commissioners of the District of Columbia, setting forth in greater detail the purpose of the bill, is made a part of the report. The bill was unanimously reported out by the full committee.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 18, 1951.

HON. MATTHEW M. NEELY,
Chairman, Committee on the District of Columbia,
United States Senate, Washington, D. C.

MY DEAR SENATOR NEELY: The Commissioners of the District of Columbia have the honor to submit herewith a draft of a proposed bill "to permit the exchange of land belonging to the District of Columbia for land belonging to the abutting property owner or owners, and for other purposes."

Sections 9-301 and 9-304 of the District of Columbia Code, 1940 edition, read as follows:

"9-301. The Commissioners of the District of Columbia, with the approval of the National Capital Park and Planning Commission, are authorized and empowered in their discretion, for the best interests of the District of Columbia, to sell and convey, in whole or in part, to the highest bidder at public or private sale, real estate now or hereafter owned in fee simple by the District of Columbia for municipal use, in the District of Columbia, which the Commissioners and the National Capital Park and Planning Commission find to be no longer required for public purposes (Aug. 5, 1939, 53 Stat. 1211, ch. 449, sec. 1).

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"9-304. The Secretary of the Interior, with the approval of the National Capital Park and Planning Commission, is hereby authorized, in his discretion, for the best interests of the United States, to sell and convey, in whole or in part, by proper deed or instrument, any real estate held by the United States in the District of Columbia and under the jurisdiction of the National Park Service, which may be no longer needed for public purposes, for cash, or on such deferred-payment plan as the Secretary of the Interior may approve, at a price not less than that paid for it by the Government and not less than its present appraised value as determined by him (Aug. 5, 1939, 53 Stat. 1211, ch. 449, sec. 4)."

Thus the law authorizes the Commissioners to sell District land which is no longer needed by the District, but requires that such sales be made to the highest bidder at public or private sale. This feature sometimes works to the detriment of the District. As an illustration, the District owns a parcel of land which it is advantageous for an abutting property owner to acquire, and the owner of the abutting property has a parcel of land which it is advantageous for the District to acquire. In the sale of such land belonging to the District, it might happen that the highest bidder would not be the owner of the abutting property. In such event, the abutting property owner would be prevented from acquiring such land from the District and the District would be prevented from acquiring the parcel of land from such abutting property owner in exchange for its own land.

The proposed legislation would permit the District to exchange land belonging to it for land abutting the District-owned land where, in the judgment of the Commissioners, such exchange would be to the best interest of the District. Where the parcels of land to be exchanged are of unequal value, provision is made for the Commissioners to pay or to receive payment for the difference in value so as to make the exchange fair to both parties.

What has been said above with respect to land belonging to or needed by the District is equally applicable to the situation where the land belongs to the United States and it is desirable to exchange such land for land belonging to abutting owners. At the request of the National Capital Park and Planning Commission, the bill has been drafted so as to grant to the Secretary of the Interior the same authority to make exchanges as the bill grants to the District Commissioners.

The Commissioners recommend early enactment of the legislation.

The proposed draft of bill was submitted to the Bureau of the Budget and returned to the Commissioners with the advice that there is no objection on the part of that office to the presentation of the bill to Congress.

Respectfully,

GUY MASON,
Acting President, Board of Commissioners.

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